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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,288	07/20/2001	Hiroaki Kitano	450100-3752.1	1721

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NEW YORK, NY 10151

EXAMINER
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NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/910,288

**Applicant(s)**

KITANO ET AL.

**Examiner**

Steven HD Nguyen

**Art Unit**

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to the amendment filed on 11/12/03. Claims 1-17 are pending in the application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claim 6, lines 16 and 20-23, "said designation information", "said selected data" and "said additional information" are vague and indefinite because they are not refer to any previous elements. Please clarify, so the meter and boundary of the claim can be determined.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2665

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3, 5 and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve (USP 5682525) in view of Numagani (USP 5155774).

Regarding claims 1-3 and 5, Bouve discloses (Figs 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus for retrieving information from a remote data base, said data base comprising image information for a plurality of images, and at least corresponding location data, (col. 1, lines 60 to col. 3, lines 52), a camcorder for capturing data (Col. 13, lines 50 to col. 14, lines 19) and GPS for determining the location of the information retrieve apparatus (col. 10, lines 60 to col. 11, lines 29); reception means for receiving the image data and at least the corresponding location data via a computer network (Fig 1) and reception means has a portable telephone function and is connected to the computer network via a telephone line (Fig 8). However, Bouve fails to disclose selection means for selecting image data corresponding to each of one or more images from said data base in which sent stored corresponding location data corresponds to said current position location of said information retrieval apparatus; and comparison means for comparing said obtained image to said image data of said one or more selected images. In the same field of endeavor, Numagani discloses (Figs 1-6 and col. 1, lines 5

to col. 4, lines 44) an imaging means for obtaining an image (Fig 1, Ref 1 a camera for capturing an image); location detection means for detecting a current position location of said information retrieval apparatus (Fig 1, Ref 4); and selection means for selecting image data corresponding to each of one or more images from said data base in which sent stored corresponding location data corresponds to said current position location of said information retrieval apparatus; and comparison means for comparing said obtained image to said image data of said one or more selected images for displaying (Figs 1-2; See col. 1, lines 5-43 and col. 2, lines 23-50).

Since, Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images and Bouve suggest a camcorder, video capture and digital devices. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of capturing a image data from an camera and using the determined location from a GPS device to retrieve image from a database and comparing the captured and retrieved image to select a image corresponding with the location as disclosed by Numagami's system into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

Regarding claim 6, Bouve discloses (Fig 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus (Fig 1, Ref 20) for retrieving information from a database (Fig 1, ref 12 is a database which has a registration data including a position data such longitude and latitude, a geographic vicinity having the items of interest for retrieving an additional information; col. 2, lines 10-63) which contains registration data including at least position data and designation information for retrieval of additional information comprising location detection means (Fig 8, Col. 10, lines 61 to col. 11, lines 14 a mobile device has a GPS for detecting the

current position coordination of the mobile device) for detecting a current position location of information retrieval apparatus and a transmitting means for transmitting the detected current position location to the database; receiving means for receiving said designation information corresponding to the selected data for retrieving said addition information, said the selected data having position data representing positions in the vicinity of the detected position location; checking means for checking whether user's manual operations is need to acquire the addition information corresponding to the said designation information (Fig 1, Ref 10 has a selecting means for selecting data from the database 12 which corresponding the current position of the mobile device wherein the selected data has a geographic vicinity of the current detected position of the mobile device including the items of interest which uses to retrieve additional information; col. 2, lines 10-63); receiving means for receiving addition information based on the designation information and display means for display the addition information (Col. 13, lines 50 to col. 14, lines, 19 for checking if the user click "manual operation" one of the designation information to acquire the additional information from the database, See Fig 12). However, Bouve fails to fully disclose selection means for selecting image data corresponding to each of one or more images from said data base in which sent stored corresponding location data corresponds to said current position location of said information retrieval apparatus and comparison means for comparing said obtained image to said image data of said one or more selected images. In the same field of endeavor, Numagani discloses (Figs 1-6 and col. 1, lines 5 to col. 4, lines 44) an imaging means for obtaining an image (Fig 1, Ref 1 a camera for capturing an image); location detection means for detecting a current position location of said information retrieval apparatus (Fig 1, Ref 4); and selection means for selecting image data corresponding to each of one or more images from

said data base in which sent stored corresponding location data corresponds to said current position location of said information retrieval apparatus; and comparison means for comparing said obtained image to said image data of said one or more selected images for displaying (Figs 1-2; See col. 1, lines 5-43 and col. 2, lines 23-50).

Since, Bouve suggests that a camcorder, video capture and digital devices and database contains the images and Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of capturing a image data from an camera and using the determined location from a GPS device to retrieve image from a database and comparing the captured and retrieved image to select a image corresponding with the location as disclosed by Numagami's system and into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

Regarding claims 7-10, Bouve discloses (Figs 1-12 and col. 1, lines 5 to col. 14, lines 55) an information retrieval apparatus for retrieving information from a remote data base, said data base comprising image information for a plurality of images, and at least corresponding location data, (col. 1, lines 60 to col. 3, lines 52), a camcorder for capturing data (Col. 13, lines 50 to col. 14, lines 19) and GPS for determining the location of the information retrieve apparatus (col. 10, lines 60 to col. 11, lines 29). However, Bouve fails to fully disclose selection means for selecting image data corresponding to each of one or more images from said data base in which sent stored corresponding location data corresponds to said current position location of said information retrieval apparatus and comparison means for comparing said obtained image to said

image data of said one or more selected images. In the same field of endeavor, Numagami discloses (Figs 1-6 and col. 1, lines 5 to col. 4, lines 44) an information retrieval apparatus for retrieving information from a data base (Fig 1, Ref 6 is include an image and location of the image such as longitude, latitude and height) which contains at least position data and image data comprising location detection means for detecting a current position location of the apparatus (Fig 1, Ref 4 is GPS); transmitting means for transmitting the detected current position to the data base (Fig 1, the link between the ref 4 and 6); reception means for receiving the image data corresponding to the position data representing positions in the vicinity of the detected current position location (Fig 1, Ref 5); image means for obtaining an image (Fig 1, Ref 1 is a camera for capturing the image); selection means for selecting image data corresponding to each of one or more images from said data base in which sent stored corresponding location data corresponds to said current position location of said information retrieval apparatus; comparison means for comparing said obtained image to said image data of said one or more selected images; and checking means (Fig 1, Ref 5) for checking a match between the received image and the obtained image and displaying means (Fig 1, Ref 3) for displaying the received image after matching with the obtained image (Figs 1-2; See col. 1, lines 5-43 and col. 2, lines 23-50).

Since, Bouve suggests that a camcorder, video capture and digital devices and database contains the images and Numagami suggests the use of comparing a captured image and retrieved image from database in order to provide an exact match between the images. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of capturing a image data from an camera and using the determined location from a GPS device to retrieve image from a database and comparing the



captured and retrieved image to select a image corresponding with the location as disclosed by Numagami's system and into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve and Numagami as applied to claim 1 above, and further in view of Hudetz (USP 5978773).

Regarding claim 4, Bouve and Numagami do not disclose the claimed invention. In the same field of endeavor, Hudetz discloses a method and apparatus for retrieving the internet address of a product by using UPC code on a product by a digital device and click on the button to access the designated information (Read on the corresponding location data is a URL for specifying information stored in a server of a world wide web build up on the Internet; See Fig 1, 4 and 6).

Since, Bouve suggests that the user can access addition information by click on the selected item. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of associating an URL with the request information in order to allow the user to access additional information as disclosed by Hudetz's system and method into Bouve's system. The motivation would have been to reduce error and provide a user-friendly interface.

7. Claim 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bouve and Numagami as applied to claims 1 and 5-10 above, and further in view of Murphy (USP 5799082).

Bouve and Numagami fail to fully disclose the claimed invention. However, in the same field of endeavor, Murphy discloses determines one of said selected images matches said

Art Unit: 2665

obtained image additional information corresponding to said one of said selected images is provided (Fig 4 and Fig 7 disclose a method for identifying a topic and URL corresponding to the topic and using them to generate a HTML page for transmitting to the user; See col. 2, lines 4-19).

Since, Bouve suggests page including additional link and image. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for identifying the topic and embedding URL into the topic such image for allowing the user to access additional information as disclosed by Murphy's system. The motivation would have been to reduce error and provide a user-friendly interface.

### ***Response to Arguments***

8. Applicant's arguments filed 11/4/2003 have been fully considered but they are not persuasive.

In response to pages 10-15, the applicant states that Numagami does not disclose a method for selecting an image from a plurality of images in the database, which corresponds to the location of apparatus, and comparing the selected image with a captured image. In reply, Numagami discloses a method and system for transmitting the location of system (Fig 1, Ref 4) and a captured image (Fig 1, Ref 1) to the host which uses the location information to retrieve the image "map" from an image database and comparing the image data 1 with retrieved image by matching the control point in these images (See col. 2, lines 23-50). Bouve discloses a method for transmitting the location to the remote database and retrieving the information about

the location which includes map having the point of interest in order to allow the user obtain additional information.

9. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

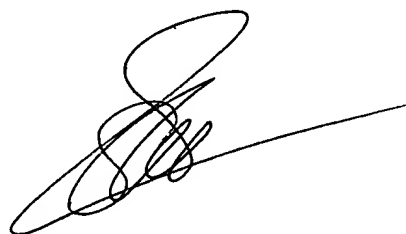
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

Art Unit: 2665

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink, appearing to be 'Steven HD Nguyen', with a long horizontal line extending to the right.

Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
1/23/04